



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

DATE: July 15, 2014

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Ben Brancel, Secretary
Sandy Chalmers, Administrator, Division of Trade and Consumer Protection

SUBJECT: ATCP 127, subchapter V, Telephone Solicitations; Do-Not-Call Registry - Hearing Draft

PRESENTED BY: Michelle Reinen

REQUESTED ACTION:

At the July 23, 2014, Board meeting, the Department of Agriculture, Trade and Consumer Protection (DATCP) will ask the DATCP Board to authorize public hearings on a proposed rule (copy attached) related to telephone solicitations and the state do-not-call registry. This rule makes changes to the existing rule to conform to recent changes in state statutes and further clarifies DATCP's interpretations of the statutes.

SUMMARY:

Background

Section 100.52, Stats., established the Wisconsin no call program in 2001. DATCP promulgated chapter ATCP 127, subchapter V., in 2002. This law required the department to create a no-call list and prohibited telephone solicitors from calling residential customers on the list. Residential customers who did not want to receive unsolicited commercial calls provided their telephone number and zip code to DATCP every two years to remain on the non-solicitation list.

The law also requires the department to enact a rule that requires solicitors to register with DATCP and pay an annual fee to obtain the no-call list and to solicit residential customers located in Wisconsin.

The no call law provides exceptions to the prohibition against calls made to Wisconsin residents by an unregistered solicitor. For example, calls made to current clients, calls made to persons who have consented to receive the call, and calls made on behalf of non-profit and political organizations, may be made by solicitors who have not registered with the department.

The law also prohibits telephone solicitors from making pre-recorded telephone solicitations to either residential or business customers, and from making telephone calls to business customers who ask them in writing to not make the calls.

Agriculture generates \$59 billion for Wisconsin

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The law was amended in 2008 to prohibit telephone solicitors from calling cell phones on the state no call list. The law was amended in 2012 to prohibit telephone solicitors from sending text messages to residential customers on the state no call list.

The Federal Trade Commission (FTC) maintains a federal do-not-call registry. Under the federal do-not-call program, Wisconsin residents have been able to register their numbers on that list permanently.

The Wisconsin no call law most recently amended by 2013 Act 234 which has eliminated the separate, DATCP-maintained Wisconsin no-call list. As of August 1, 2014, Wisconsin residents who do not want to receive unsolicited telephone calls or texts from telemarketers will now only sign up on the FTC do-not-call registry without any need to re-register, and all telephone numbers on the existing Wisconsin no-call list will be transferred to that registry. Under the new state law, telephone solicitors must register with the FTC and obtain and follow the Wisconsin portion of the federal do-not-call registry ("state do-not-call registry"). Solicitors must also continue to register with DATCP and DATCP will continue to administer and enforce the Wisconsin no call law.

Rule Content

General

This rule does all of the following:

- Establishes updated registration requirements for telephone solicitors.
- Repeals portions of the rule made obsolete under the statute change.
- Updates recordkeeping requirements.
- Interprets Wisconsin's consent requirement to harmonize with federal requirements.
- Makes other minor updates and changes including corrections to mistaken citations.

Registration requirements

This rule updates registration requirements for telephone solicitors. This rule requires telephone solicitors to provide DATCP with proof of registration with the FTC and the ability to obtain updated do-not-call registry information. The federal Subscription Account Number (SAN) will serve as proof of registration.

Obsolete rule provisions

This rule repeals sections of the existing rule that became obsolete as a result of the statutory change. Sections of the rule that are repealed include those requiring consumers to register for the no-call list with DATCP and DATCP to provide the no-call list to telephone solicitors on a quarterly basis.

Recordkeeping requirements

The proposed rule extends recordkeeping requirements from two to three years and adds requirements for telephone solicitors to keep records of the numbers called and proof of consent from consumers on the state do-not-call registry to receive calls or texts. These changes will make the rule more consistent with the statute of limitations and enhance investigations of complaints and enforcement of violations of the rule.

Consent requirement

The FTC requires express written consent for telephone solicitors to call or text numbers registered on the

federal do-not-call registry. The proposed rule harmonizes Wisconsin's rule with the federal standard.

Other changes

The proposed rule makes other minor clarifying and corrective changes to the rule.

Summary of and Comparison with Existing or Proposed Federal Statutes and Regulations

Federal Programs

The Federal Trade Commission (FTC) and Federal Communications Commission (FCC) administer the Telephone Consumer Protection Act (TCPA). This act established the national do-not-call registry. Residential customers can permanently register their telephone numbers on the federal do-not-call registry.

Surrounding State Programs

Many states have do-not-call programs. Several states, like Wisconsin, maintain their own do-not-call list. Others, including Illinois, Michigan, and Minnesota, have laws allowing for state enforcement of do-not-call provisions, but rely on the FTC's registry rather than maintaining their own. Iowa encourages its residents to sign up on the federal do-not-call registry.

Summary of Factual Data and Analytical Methodologies

To develop this rule, DATCP reviewed federal and state laws related to telephone solicitations, data related to telephone solicitor registration, past enforcement actions, and consumer complaints.

Analysis and Supporting Documents used to Determine Effect on Small Business

The effect on small business was determined by reviewing estimates of costs to comply with the law.

Effect on Small Business

This rule will, generally, have minimal impact on business. This rule might affect the following businesses in the following ways (many of these businesses are "small businesses"):

Telephone solicitors that are currently registered with DATCP but not with the FTC.

Under s. 100.52, Stats., and this rule, telephone solicitors will be required to register with DATCP and also with the FTC. Most telephone solicitors have been registered with both DATCP and the FTC and will not be impacted by this requirement. The few solicitors who have only registered with DATCP will incur an additional registration fee with the FTC. The first five area codes in a national do-no-call registry subscription are free, so this annual access fee would be \$59 for the 6th Wisconsin area code.

Offsetting this added fee, telephone solicitors will no longer be required to pay the following fees:

- \$25 for each additional email address to receive a compact disc containing the no-call list.
- \$25 for each mailing address to receive a compact disc containing the no-call list.
- \$1,000 for each mailing address to receive the no-call list in a hard-copy printed form.

Recordkeeping requirements

Currently, persons making telephone solicitations, regardless of whether they may be required to register under the Wisconsin No Call law, are required under ATCP 127, subchapter II, to keep certain records necessary to enforce the general direct marketing rules. The recordkeeping requirements in this proposed rule may increase the number of records businesses keep and store, which may have some financial cost associated with it.

This rule and DATCP's administrative efforts related to the rule benefit large and small businesses alike. For example:

- DATCP publishes a fact-sheet for solicitors, clearly explaining the requirements and prohibitions contained in the rule.
- DATCP administers and enforces violations of the rule which ensures a level playing field for all businesses.

Many of the businesses affected by this rule are "small businesses." However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

A complete *business impact analysis* is attached.

Next Steps

If the Board authorizes public hearings on this rule, DATCP will refer a copy of the rule to the Legislative Council Rules Clearinghouse and publish a hearing notice in the Wisconsin Administrative Register. DATCP will hold public hearings on the dates and at the locations specified in the hearing notice. The hearing dates and locations have not yet been determined.

Following the public hearings, DATCP will prepare a final draft rule for the Board's consideration. If the Board approves a final draft rule, DATCP will transmit that final draft rule to the Governor for his written approval and then the Legislature for review by appropriate legislative committees. If the Legislature takes no action to stop the rule, the Secretary will sign the final rulemaking order and transmit it for publication.

**PROPOSED ORDER
OF THE WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
ADOPTING RULES**

1 The Wisconsin department of agriculture, trade and consumer protection proposes the following
2 rule *to amend* ATCP 127, subchapter V (Title), ATCP 127.80 (10) (a) 1., 127.80 (10) (c), 127.83
3 (2) (b), 127.83 (2) (c), and 127.83 (4); *to repeal* ATCP 127.81 (3) (c), (d), (e) and (Note); *to*
4 *repeal and recreate* ATCP 127.80 (5), 127.81 (2) (j), 127.82 and 127.84; *to create* ATCP 127.80
5 (6r) and 127.83 (2) (b) (Note); *relating to* telephone solicitations and the state do-not-call
6 registry.

**Analysis Prepared by the Department
of Agriculture, Trade and Consumer Protection**

This rule implements s. 100.52, Stats., which directs the department of agriculture, trade and consumer protection (DATCP) to promulgate rules related to telephone solicitations and the do-not-call registry and s. 100.20, Stats., which regulates fair trade practices in business.

Statutes Interpreted

Statutes Interpreted: 100.20 (1) and 100.52, Stats.

Statutory Authority

Statutory Authority: ss. 93.07 (1), 100.20 (2) and 100.52, Stats.

Explanation of Statutory Authority

DATCP has broad general authority, under s. 93.07 (1), Stats., to interpret laws under its jurisdiction. DATCP has authority under s. 100.20 (2), Stats., to promulgate rules forbidding trade practices which DATCP determines to be unfair, and to prescribe fair trade practices. Section 100.52, Stats., directs DATCP to establish by rule a registration system for telephone

solicitors that provides DATCP with proof that the telephone solicitor has complied with federal law in obtaining the state do-not-call registry.

Related Statutes and Rules

Section 100.20(1), Stats., requires trade practices in business to be fair. Unfair trade practices are prohibited. DATCP has rulemaking authority under s. 100.20 (2), Stats., to regulate unfair trade practices through administrative rules.

Section 100.52, Stats., governs telephone solicitations. It directs DATCP to establish a registration system for telephone solicitors that provides DATCP with proof that the telephone solicitor has complied with federal law in obtaining the state do-not-call registry.

Chapter ATCP 127, Subchapter II, Telephone Solicitations, was promulgated under DATCP's authority to regulate unfair trade practices. Among other things, this subchapter requires telephone solicitors to disclose their name and prohibits them from using fictitious names or misrepresenting their identity, affiliation, location or characteristics.

The existing Chapter ATCP 127, Subchapter V, Telephone Solicitations; No-Call List, implements s. 100.52, Stats. This subchapter establishes mechanisms for telephone customers to enter their numbers onto the no-call list that is compiled by the state and for telephone solicitors to register with DATCP to obtain the list.

Plain Language Analysis

Background

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The law also required the department to enact a rule that requires solicitors to register with DATCP and pay an annual fee to obtain the no call list and to solicit residential customers located in Wisconsin.

The no call law provides exceptions to the prohibition against calls made to Wisconsin residents by an unregistered solicitor. For example, calls made to current clients, calls made to persons who have consented to receive the call, and calls made on behalf of non-profit and political organizations, may be made by solicitors who have not registered with the department.

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The proposed rule extends recordkeeping requirements from two to three years and adds requirements for telephone solicitors to keep records of the numbers called and proof of consent from consumers on the state do-not-call registry to receive calls or texts. These changes will make the rule more consistent with the statute of limitations and enhance investigations of

complaints and enforcement of violations of the rule.

Consent requirement

The FTC requires express written consent for telephone solicitors to “robocall” (or “robotext”) numbers registered on the federal do-not-call registry. The proposed rule harmonizes Wisconsin’s rule with the federal standard.

Other changes

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area codes in a national do-no-call registry subscription are free, so this annual access fee would be \$59 for the 6th Wisconsin area code.

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A complete *business impact analysis* is attached.

DATCP Contact

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Department of Agriculture, Trade and Consumer Protection
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Where Comments May Be Submitted

Jennifer Heaton-Amrhein
Department of Agriculture, Trade and Consumer Protection
P.O. Box 8911
Madison, WI 53708-8911

1 **SECTION 1:** ATPC 127, subchapter V (Title) is amended to read:

2 **Subchapter V – Telephone Solicitations; ~~No-Call List~~ State Do-Not-Call Registry**

3 **SECTION 2:** ATPC 127.80 (5) is repealed and recreated to read:

4 ATPC 127.80 (5) “National do-not-call registry” means the national database established
5 by the federal trade commission under 47 USC 227 (c) (3) that consists of telephone numbers of
6 residential customers who object to receiving telephone solicitations.

7 **SECTION 3.** ATPC 127.80 (6r) is created to read:

8 ATPC 127.80 (6r) “State do-not-call registry” means the portion of the national do-not-
9 call registry that consists of numbers with Wisconsin area codes.

10 **SECTION 4.** ATPC 127.80 (10) (a) 1. is amended to read:

11 ATPC 127.80 (10) (a) 1. The nonprofit organization complies with subch. H IV of ch. 202
12 440, Stats., if applicable.

13 **SECTION 5.** ATPC 127.80 (10) (c) is amended to read:

14 ATPC 127.80 (10) (c) A telephone call or text message made in response to the
15 recipient’s affirmative request for ~~the~~ that call or text message.

16 **Section 6.** ATPC 127.81 (2) (j) is repealed and recreated to read:

17 ATPC 127.81 (2) (j) The registrant’s valid subscription access number (SAN) for the
18 national do-not-call registry.

19 **SECTION 7.** ATPC 127.81 (3) (c), (d), (e) and (Note) are repealed.

20 **SECTION 8.** ATPC 127.82 is repealed and recreated to read:

1 ATCP 127.82 **Do-Not-Call Registry.** (1) OBTAINING THE REGISTRY. Registered

2 telephone solicitors must obtain and use a current state do-not-call registry from the national do-
3 not-call registry website at least once every 31 days.

4 **Note:** The state do-not-call registry can be obtained at this website
5 <https://telemarketing.donotcall.gov/>. Registration with the FTC and a valid Subscriber Access
6 Number are required.

7
8 (2) SOLICITATIONS PROHIBITED. No person may make a telephone solicitation, either
9 directly or through an employee or agent, to a covered telephone customer whose telephone
10 number appears on the current state do-not-call registry. A telephone solicitation made in
11 violation of this subsection does not, by itself, result in a monetary loss for which a current
12 telephone customer may seek recovery under s. 100.20 (5), Stats., unless that customer sustains
13 an actual monetary loss as a result of another violation of this chapter.

14 (3) STATE DO-NOT-CALL REGISTRY NOT OPEN TO PUBLIC INSPECTION. The department
15 may not release a state do-not-call registry, except that the department may release a state do-
16 not-call registry as necessary to enforce this subchapter, or to comply with a subpoena or judicial
17 process, subject to any protective orders that may be necessary to ensure the confidentiality of
18 the list.

19 **SECTION 9.** ATCP 127.83 (2) (b) is amended to read:

20 ATCP 127.83 (2) (b) Use an electronically prerecorded message in a telephone call for
21 the purpose of encouraging a covered or noncovered telephone customer to purchase property,
22 goods or services, without ~~the prior consent of that telephone customer~~ first obtaining a written
23 agreement that contains the telephone number and signature of the customer to be called. The
24 agreement shall disclose in writing that the customer is not required to sign the agreement as a
25 condition of making a purchase and, by signing the agreement, the customer authorizes

1 telemarketing calls from that person. This paragraph does not apply if that person meets the
2 provisions of s. ATCP 127.80 (10) (a), (b) or (d).

3 **SECTION 10.** ATCP 127.83 (2) (b) (Note) is created to read:

4 ATCP 127.83 (2) (c) **Note:** A written agreement and disclosures may be in an electronic
5 form as provided in s. 137.15, Stats.

6
7 **SECTION 11.** ATCP 127.83 (2) (c) is amended to read:

8 ATCP 127.83 (2) (c) Make a telephone solicitation to a noncovered telephone customer if
9 the noncovered telephone customer has notified the person ~~by mail~~ in writing that the
10 noncovered telephone customer does not wish to receive telephone solicitations.

11 **SECTION 12.** ATCP 127.83 (4) is amended to read:

12 ATCP 127.83 (4) A person making a telephone solicitation to a noncovered telephone
13 customer shall give the call recipient, at the call recipient's request, a mailing address, fax
14 number or email address to which the noncovered telephone customer may ~~mail a~~ submit a
15 written notice under sub. (2) (c). The person shall provide the mailing address, fax number or
16 email address within 10 days after the call recipient requests it.

17 **SECTION 13.** ATCP 127.84 Recordkeeping is repealed and recreated to read:

18 ATCP 127.84 **Recordkeeping.** (1) RECORDS REQUIRED. Persons who employ or
19 contract with individuals to make telephone solicitations shall keep all of the following records:

20 (a) The telephone numbers and SMS accesses to make telephone solicitations.

21 (b) Each written agreement provided pursuant to ATCP 127.90 (10) (c) and ATCP
22 127.83 (2) (b).

23 (c) The records required pursuant to ATCP 127.18 (1).

24 (2) KEEPING RECORDS. (a) A seller shall keep each record required under sub. (1) for at
25 least 3 years after the seller creates that record.

1 (b) The department, pursuant to an investigation of possible violations of this subchapter,
2 may ask a seller to provide copies of records under sub. (1) that are reasonably relevant to that
3 investigation. The seller shall provide the requested copies within a reasonable time specified by
4 the department.

5 **SECTION 14. EFFECTIVE DATE:** This rule takes effect on the first day of the month
6 following publication in the Wisconsin administrative register, as provided in s.
7 227.22(2)(intro.), Stats.

Dated this _____ day of _____, _____.

WISCONSIN DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By: _____
Ben Brancel
Secretary

Wisconsin Department of Agriculture, Trade and Consumer Protection

Initial Regulatory Flexibility Analysis

Rule Subject: Direct Marketing; Telephone Solicitations; No-Call List
Adm. Code Reference: ATCP 127
Rules Clearinghouse #: Not yet assigned
DATCP Docket #: 14-R-08

Rule Summary

This rule interprets the no-call law administered by the Department of Agriculture, Trade and Consumer Protection ("DATCP"). Among other things, this rule does all of the following:

- Establishes updated registration requirements for telephone solicitors.
- Repeals portions of the rule made obsolete under the statute change.
- Updates recordkeeping requirements.
- Interprets Wisconsin's consent requirement to harmonize with federal requirements.
- Makes other minor updates and changes including corrections to mistaken citations.

Registration requirements

This rule updates registration requirements for telephone solicitors. This rule requires telephone solicitors to provide DATCP with proof of registration with the FTC and the ability to obtain updated do-not-call registry information. The federal Subscription Account Number (SAN) will serve as proof of registration.

Obsolete rule provisions

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Recordkeeping requirements

The proposed rule extends recordkeeping requirements from two to three years and adds requirements for telephone solicitors to keep records of the numbers called and proof of consent from consumers on the state do-not-call registry to receive calls or texts. These changes will make the rule more consistent with the statute of limitations and enhance investigations of complaints and enforcement of violations of the rule.

Consent requirement

The FTC requires express written consent for telephone solicitors to call or text numbers registered on the federal do-not-call registry. The proposed rule harmonizes Wisconsin's rule with the federal standard.

Other changes

The proposed rule makes other minor clarifying and corrective changes to the rule.

Small Business Affected

This rule affects businesses in the following ways:

Telephone solicitors that are currently registered with DATCP but not with the FTC.

Under s. 100.52, Stats., and this rule, telephone solicitors will be required to register with DATCP and also with the FTC. Most telephone solicitors have been registered with both DATCP and the FTC and will not be impacted by this requirement. The few solicitors who have only registered with DATCP will incur an additional registration fee with the FTC. The first five area codes in a national do-no-call registry subscription are free, so this annual access fee would be \$59 for the 6th Wisconsin area code.

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Accommodation for Small Business

Many of the businesses affected by this rule are "small businesses." However, given the subject matter, there are very few accommodations or special exceptions that can be made for small businesses.

This rule and DATCP's administrative efforts related to the rule benefit large and small businesses alike. For example:

- DATCP publishes a fact-sheet for solicitors, clearly explaining the requirements and prohibitions contained in the rule.
- DATCP administers and enforces violations of the rule which ensures a level playing field for all businesses.

Conclusion

This rule will have minimal impact affected businesses, including "small businesses." Negative effects, if any, will be few and limited. This rule will not have a significant adverse effect on "small business," and is not subject to the delayed "small business" effective date provided in s. 227.22(2)(e), Stats.

Dated this 15 day of July, 2014.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By 

Sandra Chalmers, Administrator
Division of Trade & Consumer Protection

ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

☒ Original ☐ Updated ☐ Corrected

Administrative Rule Chapter, Title and Number

Ch. ATCP 127, Direct Marketing

Subject

Telephone Solicitations; No-Call List

Fund Sources Affected

☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG SEG-S

Chapter 20, Stats. Appropriations Affected

20.115(8)(jm)

Fiscal Effect of Implementing the Rule

☐ No Fiscal Effect
☐ Indeterminate

☐ Increase Existing Revenues
☒ Decrease Existing Revenues

☐ Increase Costs
☐ Could Absorb Within Agency's Budget
☐ Decrease Costs

The Rule Will Impact the Following (Check All That Apply)

☐ State's Economy

☐ Local Government Units

☒ Specific Businesses/Sectors

☐ Public Utility Rate Payers

Would Implementation and Compliance Costs Be Greater Than \$20 million?

☐ Yes ☒ No

Policy Problem Addressed by the Rule

Section 100.52, Stats., established the Wisconsin no call program in 2001. DATCP promulgated chapter ATCP 127, subchapter V., in 2002. This law required the department to create a no-call list and prohibited telephone solicitors from calling residential customers on the list. Residential customers who did not want to receive unsolicited commercial calls provided their telephone number and zip code to DATCP every two years to remain on the non-solicitation list.

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- Interprets Wisconsin's consent requirement to harmonize with federal requirements.
- Makes other minor updates and changes including corrections to mistaken citations.

Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule updates current rules related to direct marketing and telephone solicitations. This rule modifies and clarifies existing rule language to facilitate consistency, understanding, compliance, and efficiency with other state and federal regulations.

Local Governments

This rule will not impact local governments. Local governments will not have any implementation or compliance costs.

Telephone Solicitors

Under s. 100.52, Stats., and this rule, telephone solicitors will be required to register with DATCP and also with the FTC. Most telephone solicitors have been registered with both DATCP and the FTC and will not be impacted by this requirement. The few solicitors who have only registered with DATCP will incur an additional registration fee with the FTC. The first five area codes in a national do-no-call registry subscription are free, so this annual access fee would be \$59 for the 6th Wisconsin area code.

Offsetting this added fee, telephone solicitors will no longer be required to pay the following fees:

- \$25 for each additional email address to receive a compact disc containing the no-call list.
- \$25 for each mailing address to receive a compact disc containing the no-call list.
- \$1,000 for each mailing address to receive the no-call list in a hard-copy printed form.

Currently, persons making telephone solicitations, regardless of whether they may be required to register under the Wisconsin No Call law, are required under ATCP 127, subchapter II, to keep certain records necessary to enforce the general direct marketing rules. The recordkeeping requirements in this proposed rule may increase the number of records businesses keep and store, which may have some financial cost associated with it.

Benefits

This rule will benefit telephone solicitors and the general public.

Telephone Solicitors

This rule and DATCP's administrative efforts related to the rule benefit large and small businesses alike. For example:

- DATCP publishes a fact-sheet for solicitors, clearly explaining the requirements and prohibitions contained in the rule.
- DATCP administers and enforces violations of the rule which ensures a level playing field for all businesses.

General Public

The general public will benefit from this rule. The changes to the do-not-call program will enable consumers to sign-up on the national do-no-call registry permanently, rather than having to renew their registration every two years. In addition, the rule specifies what constitutes consumer consent to receive calls if a number is on the state do-not-call registry. The rule also creates recordkeeping requirements for businesses that will enable the department to investigate complaints about do-not-call registry violations more easily.

Alternatives

This rule is designed to harmonize the existing rule with recent changes to s. 100.52, stats. DATCP is required, by statute, to establish registration requirements for telephone solicitors by rule. In addition, changes being proposed to clarify and correct existing regulations should be adopted or outdated and incorrect rule language will remain.

Provisions being established to create standards for written consent and recordkeeping requirements will better protect consumers and aid in the investigation of complaints. The department could not adopt those proposed rules, which would result in continued consumer frustration related to receiving unwanted telephone calls. In addition, the department would continue its current enforcement procedures to obtain telephone solicitor records, which can be time consuming and difficult.

Long Range Implications of Implementing the Rule

Implementing the rule will increase consumer satisfaction with the do-not-call registry as it will allow consumers to register their phone numbers permanently, rather than having to renew registration every two years. The rule will also enhance DATCP's ability to investigate complaints and enforce the law.

Compare With Approaches Being Used by Federal Government

The Federal Trade Commission (FTC) and Federal Communications Commission (FCC) administer the Telephone Consumer Protection Act (TCPA). This act established the national do-not-call registry. Residential customers can permanently register their telephone numbers on the federal do-not-call registry.

Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Many states have do-not-call programs. Several states, like Wisconsin, maintain their own do-not-call list. Others, including Illinois, Michigan, and Minnesota, have laws allowing for state enforcement of

do-not-call provisions, but rely on the FTC's registry rather than maintaining their own. Iowa encourages its residents to sign up on the federal do-not-call registry.

Comments Received in Response to Web Posting and DATCP Response

No comments were received in response either to the posting on the DATCP external website or the statewide administrative rules website.